

AO 91 (Rev. 02-09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

MAR 31 2015

David J. Bradley, Clerk

United States of America
v.
Jose Armando GARCIA YOB: 1989

Case No.

M-15-0479-M

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 03/26/2015 in the county of Hidalgo in the Southern District of Texas, the defendant violated Title 18 U. S. C. § Section 922 (g)(1), an offense described as follows:

The defendant, did knowingly and unlawfully possess a firearm that had previously traveled in and affected interstate commerce, after being convicted in a court of law for a felony crime punishable by imprisonment for a term exceeding one year.

This criminal complaint is based on these facts:

SEE ATTACHMENT A

☒ Continued on the attached sheet.

Approved
Joseph Leonard



Complainant's signature

Carlos M. Delgado, Jr, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 31
03/30/2015



Judge's signature

City and state: McAllen

Dorina Ramos, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

I, Carlos M. Delgado, Jr, being duly sworn, do hereby state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a Division of the United States Justice Department, and have been so employed since March 23, 2014. As a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, I am vested with the authority to investigate violations of Federal laws, including Titles 18 and 26 of the United States Code.

This affidavit is in support of a criminal complaint charging Jose Armando GARCIA, hereinafter referred to as "GARCIA," with the criminal violation set forth in Attachment A. The evidence available to me demonstrates that there is probable cause to believe that GARCIA has violated Title 18 U.S.C 922(g)(1) which provide as follows:

It shall be unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, to receive, possess, or transport any firearm or ammunition in or affecting interstate or foreign commerce; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

Further, the Affiant states as follows:

On March 27, 2015 your affiant was informed by Palmview Police Department Investigators that they had written affidavits and statements from witnesses alleging that on the evening of March 26, 2015, GARCIA, a convicted felon, had been in a physical altercation with family members and in possession of a firearm. The Palmview Police Department later located and arrested GARCIA for Aggravated Assault and other state charges. Subsequently, the firearm GARCIA allegedly possessed was turned into the Palmview Police Department by GARCIA's family members. Prior to interviewing GARCIA, your affiant obtained a criminal history for GARCIA. The result of the query revealed that GARCIA was convicted for Aggravated Assault with a Deadly Weapon on December 17, 2009 and received a corresponding sentence of three years from the 92nd District Court in Edinburg, TX.

Upon advisement of his rights as per the Miranda Warning, GARCIA told your affiant that he indeed got into an altercation at his mother's house and possessed an AR-15 type rifle, owned by his younger brother, during the evening of March 26, 2015. GARCIA added he discharged the firearm around six or nine times in order to make his younger brother angry. GARCIA was shown pictures of the AR-15 type rifle, a Windham Weaponry, model WW-DF, .223/5.56 mm caliber, rifle, bearing Serial Number CF010919 that was turned into Palmview Police Department. GARCIA told your affiant that he recognized the rifle as the one he discharged based on after-market sights and bi-pod mounted on the rifle.

ATTACHMENT A

On the same date, your affiant spoke with ATF Special Agent Patrick Briody, who is a recognized expert in the interstate and foreign commerce travel of firearms and ammunition. Based on the information provided to SA Briody about the firearm possessed by GARCIA, SA Briody stated the firearm was manufactured outside of the State of Texas and therefore, previously traveled in interstate or foreign commerce at sometime prior to being possessed by any person in the State of Texas.

Based on the above information, your affiant believes Jose Armando GARCIA, illegally possessed the above mentioned firearm in violation of Title 18, United States Code, Section 922(g)(1), on March 26, 2015, in Hidalgo County, Texas.



Carlos M. Delgado, Jr, ATF Special Agent

Sworn to before me and subscribed in my presence,



Dorina Ramos, U.S. Magistrate Judge

03/31/2015